

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Javontay Savon Rogers,

Plaintiff,

v.

Corp. Michaelangelo Scott; Lt. Brittney
Keefner; Randel Casselman; Zachary Smith,

Defendants.

C/A No. 6:23-cv-604-SAL

ORDER

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Kevin F. McDonald made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.) (the “Report”). [ECF No. 30.] Plaintiff Javontay Savon Rogers (“Plaintiff”), proceeding *pro se*, filed this action against Defendants under 42 U.S.C. § 1983. [ECF Nos. 1, 13.] Defendants moved to dismiss the claims under Federal Rule of Civil Procedure 12(b)(6) based on Plaintiff’s failure to exhaust his administrative remedies. [ECF No. 23.] In the Report, the magistrate judge recommended the court grant Defendants’ motion. [ECF No. 30.] The Report also notified Plaintiff of the procedures for filing objections to the magistrate judge’s recommendation. *Id.* at 7. Plaintiff did not file objections, and the time for doing so has expired.

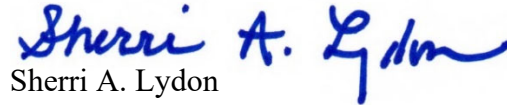
The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court must review *de novo* only the portions of the Report to which a party has specifically objected, and it may accept, reject, or modify the Report in whole or in part. *See* 28 U.S.C. § 636(b)(1). In the absence of objections,

the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After reviewing the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error. The Report, ECF No. 30, is adopted and incorporated by reference herein. This matter is therefore **DISMISSED without prejudice**.

IT IS SO ORDERED.

October 25, 2023
Columbia, South Carolina


Sherri A. Lydon
United States District Judge